

### REMARKS

Favorable reconsideration of this application is requested in view of the above amendment and the following remarks. Claim 5 was amended to correct antecedent basis. No new matter has been added. Claims 1-3 and 5-19 remain actively pending in the case. Reconsideration of the claim is respectfully requested.

In paragraph 5 on page 2 of the Office Action, claims 1-3, 5, 6, 8-11 and 16-19 were rejected under 35 USC § as being unpatentable over Fredlund et al. (US 5,666,215) in view of Manowitz et al. (US 6,614,470). In paragraph 6 on page 6 of the Office Action, dependent claims 7 and 12-15 were rejected under 35 USC §103(a) as being unpatentable over Fredlund et al. in view of Manowitz et al. and further in view of Shiota et al. (6,324,521). Applicants respectfully traverse the rejections.

Fredlund fails to teach or suggest at least sending said at least one image to a service provider over said broadband communication network for fulfillment of said at least one photographic service as required by independent claims 1 and 18. Rather, Fredlund discloses that film is scanned at a photo processing lab 14 and the resulting digital images can be stored in a mass storage device 28. *See* Col. 3, lines 19-35. These digital images can also be recorded on tape 130 and the tape is sent to a digital image center 134. *See* Col. 8, lines 44-46. A customer can access a low-resolution version of the digital images stored at the photo processing lab 14 via a personal computer 42, select and adjust the images and place and order using customer interface screens 50, 68 and 82. Instructions regarding the adjustments are transmitted to the photofinisher at photo lab 14 to be incorporated in the digital images stored at the lab 14. *See* Col. 6, lines 16-62. The photo processing lab 14 or the digital image center 134 completes the customer order by retrieving the applicable high-resolution images from the mass storage 28 or library 136, respectively. *See* Col. 6, lines 61-63; Col. 8, lines 56-59. Accordingly, the digital images are stored at the photo lab 14 or digital image center 134 and the customer only sends instructions, not images, to the photo lab 14 or digital image center 134. Thus, Fredlund does not disclose, expressly or inherently, sending at least one image to a service provider over a broadband communication network for fulfillment.

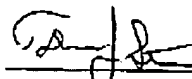
Manowitz fails to remedy the deficiencies of Fredlund as Manowitz also fails to teach or suggest at least sending said at least one image to a service provider over said broadband communication network for fulfillment of said at least one photographic service as required by independent claims 1 and 18. Rather, Manowitz discloses that an image processing device 104 is able to convert digital image data into a television signal compatible with a television receiver 102 for display on the television receiver. However, Manowitz does not disclose, expressly or inherently, sending at least one image to a service provider over a broadband communication network for fulfillment.

Thus, it is submitted that further consideration of claim rejections under 35 USC 103(a) upon the citing of the third applied prior art reference to Shiota is moot, inasmuch as the combination of Fredlund, Manowitz and Shiota still lack any teaching, disclosure, or suggestion concerning sending at least one image to a service provider over a broadband communication network for fulfillment as previously discussed.

Therefore, in view of the above remarks, Applicants' independent claims 1 and 18 are patentable over the cited references. Because claims 2, 4-17 and 19 depend from claims 1 and 18 respectively, and include the features recited in the independent claim, Applicants respectfully submit that claims 2, 4-17 and 19 are also patentably distinct over the cited references. Nevertheless, Applicants are not conceding the correctness of the Office Action's rejection with respect to such dependent claims and reserve the right to make additional arguments if necessary.

In view of the foregoing it is respectfully submitted that the claims in their present form are in condition for allowance and such action is respectfully requested.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.